

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
December 7, 2004**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, December 7, 2004.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 4:05 p.m.

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The roll was called and the following were present: Mayor Vargas and Council Members Hanson and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee. Mayor Pro Tem Wilson and Council Member Robertson were absent.

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**Approval of Consent Calendar
Item D-2**

Motion by Council Member Sampson, second by Council Member Hanson and carried by a 3-0 vote to approve Consent Calendar Item D-2, adopting **Resolution No. 5179** declaring the November 2, 2004 Presidential General Election results.

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CLOSED SESSION

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):
 - (a) City of Rialto v. United States Department of Defense, et. al.
(United States District Court Case No. EDVC 04-00079)
 - (b) Jesus Cortez, et. al. v. City of Rialto
(San Bernardino Superior Court Case No. SCVSS101568)
 - (c) Rialto Properties v. City of Rialto
(San Bernardino Superior Court Case No. SCVSS037483)

CLOSED SESSION

2. Conference with Legal Counsel – anticipated litigation. The City Council will meet with its legal counsel to discuss initiating litigation pursuant to Section 54956.9 subdivision (c) of the Government Code with respect to one potential case.
3. Conference with Real Property Negotiator pursuant to California Government Code Section 54956.8 and Government Code Section 54954.5(b):

Property: 200 South Orange Avenue

APN# 0130-271-15,16,17

Agency Negotiators: Robb Steel, Redevelopment Director
on behalf of the Redevelopment
Agency of the City of Rialto

Negotiating Parties: Ann Herrington, Property Owner

Under Negotiation: Price and Terms of Payment
for Acquisition

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to go into Closed Session. City Council went into Closed Session at 4:05 p.m. and returned at 4:30 p.m.

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Swearing In of Elected Officials

San Bernardino County 5th District Supervisor Josie Gonzales swore in Re-Elected Mayor Grace Vargas, Re-Elected Council Member Winnie Hanson and Newly Elected Council Member Ed Scott. Notary Public Maria Rodriguez swore in Re-Elected City Treasurer Edward J. Carrillo and San Bernardino City Clerk Rachel Clark swore in Re-Elected City Clerk Barbara McGee.

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The Jehue Middle School Quartet lead by Music Director Scott Jensen honored Re-Elected City Clerk Barbara McGee with the song "My Girl."

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Representatives from Congressman Joe Baca's Office, Senator Nell Soto and Assemblymember Joe Baca Jr. presented certificates to the newly Elected and Re-Elected Rialto Officials.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 6:50 p.m.

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The roll was called and the following were present: Mayor Vargas, Council Members Hanson, Robertson, Scott and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee.

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Pledge of Allegiance and Invocation

Mayor Grace Vargas led the pledge of allegiance. Council Member Joe Sampson gave the Invocation.

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Remarks from the City Council

Council Member Scott stated that its an honor to be serving the City of Rialto again and it's been a long four years. He would like to thank his wife Chris, son Eddie, daughter Tanya, Campaign Manager Vince Laster and County Supervisor Josie Gonzales for helping him get to this point and doing good things for him in his life. He congratulated County Supervisor Gonzales on her election and stated that he looks forward to working with her. He recognized Lt. Steve Kivinski and Lt. Jerry Milani from the San Bernardino County Sheriff's Department. He had the honor and privilege of working with them on the County Corruption Task Force. He thanked the voters of Rialto for having enough faith, belief and confidence in him to elect him into the City Council. He assured that they will do all they can do to make this City a safer, better and more friendly place to live.

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Council Member Hanson thanked everyone for coming tonight and thanked Josie Gonzales for swearing her in. She looks forward to a wonderful relationship with the County the next four years. She thanked everyone for re-electing her to the City Council. She thanked her wonderful committee that worked hard on her re-election, Judy Roberts, Sandy Courtney and her husband and life long partner and supporter Val Hanson. She loves this community and looks forward to serving the next four years and they have laid a good foundation the last four years and looks forward to adding to it.

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Council Member Sampson thanked everyone for being there this evening. Seeing that Mayor Vargas won the election it will not have any bearings on the manner in which they can work together and do what is best for the City. He stated that a long time ago he and Grace Vargas used to work together and were pretty good friends. He stated that he has worked with Council Member Hanson for four years and worked well together.

Remarks from the City Council

Council Member Sampson stated that he has worked with Council Member Scott in the past and at times they had philosophical differences. He doesn't believe its had any bearings on them doing what is best for the City. He sometimes appreciates Council Member Scott coming from a different perspective which gives them the opportunity to look at things in a different way. In regards to the people who worked on his campaign, whether or not they achieved victory or not, he doesn't believe it's reflective of the measure of support or pleasure he has had working with them. Victory doesn't always come with success, and he is eagerly looking forward to continuing to serve the citizens of Rialto. He thanked his Campaign Manager Frances Kimble-Montgomery, Judy Roberts, Julie Wilson, Sandra DeJarnett, John Brockhouse, Rosie Jazwiec, and Dennis Mobley. He expressed his appreciation to the almost 5000 people who felt he would be the right person to serve as Mayor but of course there was more who thought otherwise. He will continue to do what is best for the City and the citizens.

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City Clerk McGee thanked the citizens for voting for her and bringing her back to serve as City Clerk. She stated that she enjoys being City Clerk for the City of Rialto and enjoys the things that she does for the community and really enjoys serving the citizens of Rialto.

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City Treasurer Carrillo thanked all the citizens of Rialto for voting for him and re-electing him as City Treasurer. He looks forward to working with the City Council and newly elected Council Member Ed Scott.

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Council Member Robertson stated that in light of the fact she was the only one who wasn't running in the election, she would like to say thank you to the citizens who are there this evening and for continuing to support the City Council. She looks forward to working with the City Council and newly elected Council Member Ed Scott. She has enjoyed working with Council Members Hanson and Sampson and Mayor Vargas and looks forward to continuing working with them and the City Clerk McGee and City Treasurer Carrillo. She is glad the Election is over and that they can now come back as a body of one and move forward for the betterment of the City.

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Remarks from the City Council

Mayor Vargas thanked her children for supporting her. She especially thanked her Son and Campaign Manager Ernie Lujan. She thanked County Supervisor Josie Gonzales for her constant support and swearing them into office. She thanked her Daughter-in-Law and Campaign Treasurer Charlene Lujan. She thanked her Consultant Paul Fickas. She thanked all her supporters and those who helped her get re-elected. She will continue to work for the community and will continue to work with her fellow Council Members because they are a team. She will continue to have an open door policy to any citizen wishing to speak to her. She welcomed Council Member Ed Scott.

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CITY ATTORNEY'S REPORT ON CLOSED SESSION

City Attorney Owen stated that in Closed Session the City Council conferred with its attorney regarding each of the three items of pending litigation shown on the Closed Session portion of the agenda. Regarding the Cortez vs. City of Rialto, the City Council was advised that the action has been dismissed by the Court. With regard to Rialto Properties vs. City of Rialto, the same result had been achieved. In both cases the City paid nothing. The City Council conferred with its attorney regarding the potential for filing additional litigation. In this case they authorized the retention or the entry of an agreement with the Law Firm of Jones and Mayer. The purpose of this engagement is to focus on areas within the City where blighting factors are at their highest, namely in the Jackson and Willow/Winchester areas. The Police Department has over the past several years done a marvelous job of conducting sting operations and arresting criminals who seen to habitat in specific areas. However, within six months or so, those people seem to be back. At this time they are going to focus and continue those practices and they are going to additionally focus on the property owners and the management practices being implemented there and attempt to once and for all rid or at least substantially reduce those blighting factors from those areas of the City. Finally the City Council authorized staff to prepare and proceed draft documents for the acquisition of the property located at 200 S. Orange Ave.

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PRESENTATIONS AND PROCLAMATIONS

Police Sgt. Craig Crispin presented the Code Enforcement Update for the month of November.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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CONSENT CALENDAR

B. APPROVAL OF WARRANT RESOLUTIONS

1. Resolution No. 19 (11/05/04)
2. Resolution No. 20 (11/12/04)
3. Resolution No. 21 (11/19/04)

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C. SETTING OF PUBLIC HEARINGS

1. Request City Council to set a public hearing for the **December 21, 2004** City Council Meeting to consider General Plan Amendment No. 15 and Zone Change No. 313 – A request to change the General Plan designation from Community Commercial to Medium Density Residential and the Zoning designation from Neighborhood Commercial (C-1) to Single Family Residential (R-1C).
2. Request City Council to set a public hearing for the **December 21, 2004** City Council Meeting pursuant to Government Code Section 65858 to consider adoption of an interim ordinance to establish a moratorium on Development Applications along the SR-210 Freeway corridor and within portions of the Airport Specific Plan.

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E. MISCELLANEOUS

1. Request City Council to approve the City of Rialto Investment Policy for Calendar Year 2005 as submitted.
2. *Request City Council to adopt **Resolution No. 5179** declaring the November 2, 2004 Presidential General Election results. Approved at the 4:00 pm. session.*
3. Request City Council to solicit bids for Wilmer Amina Carter High School Striping and Roadway Improvement Project and adopt **Resolution No. 5180** amending the 2004-2005 fiscal budget and **Resolution No. 5181** amending the 2004-2009 Capital Improvement Program.
4. Request City Council to authorize Public Works to purchase new vehicles lifts for the Fleet Maintenance Facility in the amount of \$24,186.24.
5. Request City Council to terminate the Emergency for the Acquisition of Wellhead Treatment.
6. Request City Council to terminate the emergency authorized at the September 7, 2004 meeting for the Raw Sewage Clean-up & Facilities Rehabilitation at Fire Station No. 203.

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CONSENT CALENDAR

Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous vote to approve the Consent Calendar with the exception of Consent Calendar Item D-2.

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PUBLIC HEARING

TAB 1 – Placement of Liens for Public Nuisance Abatements

City Administrator Garcia stated that this a public hearing to determine the existence of a public nuisance and approve placement of a lien for recovery of costs associated with the abatement of the properties

- A. 1860 N. Willow
- B. 320 E. Huff
- C. 428 W. Ramona
- D. 1547 S. Fillmore
- E. 856 W. La Gloria
- F. 428 W. Ramona
- G. 709 S. Lilac
- H. 709 S. Lilac
- I. 924 E. Foothill
- J. 660 N. Yucca

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Mayor Vargas declared the public hearing open. No one came forward.

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Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to approve the placement of liens for recovery of costs associated with the abatement of the properties listed above.

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NEW BUSINESS

TAB 2 – PSA – Boyle Engineering for Temporary Professional Services for Engineering Plan Check Services

Mike Story, Development Services Director stated that July 2004 the Development Services Department entered into a Professional Services Agreement with Boyle Engineering for professional engineering support for the Engineering Division in the areas of Plan Check Services for private land development projects.

NEW BUSINESS

TAB 2 – PSA – Boyle Engineering for Temporary Professional Services for Engineering Plan Check Services

Mike Story, Development Services Director stated that due to the pending retirement of the Associate Engineer on December 31, 2004 supervision of the private land development function is necessary on a part time basis during the recruitment period for permanent replacement of the Associate Engineer. Therefore an amendment to the existing Professional Services Agreement to provide In-House Engineering staff support is necessary. The cost for the In-House service is \$115 per hour and the services will be provided through June 30, 2005. Staff is requesting approval of this amendment to that Professional Services Agreement to provide these necessary services for a previously approved total cost of \$150,000 for fiscal year 04/05 for both Engineering Plan Check and In-House Engineering Staff Services. Boyle Engineering is able to provide an In-House Engineer on a part time basis of 16 hours per week during this recruitment period of an Associate Engineer which they anticipate could take up to five months to complete.

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Council Member Scott asked if this company has already been doing In-House Plan Checking? He also asked if a questionnaire is given to customers that come in, asking them how the services were performed.

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Mike Story, Development Services Director stated that yes they have. He stated that yes, they do have questionnaires both for the people who come daily to the counter and through the Development review Committee they send questionnaires to new developers. In this case the person that has been doing the plan checking, which they have been sending it out to him, he will now be in-house. They will then receive better customer service by not sending plan checks out.

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Council Member Sampson asked if the recruitment process just begun or it something that has been ongoing.

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Mike Story, Development Services Director stated that it will begin on January 1, 2005. They are preparing the flyer, because of changes that have occurred regarding the position.

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Council Member Robertson stated that in talking with Development Services staff they have had an increase in development applications and activities within the City of Rialto. So getting a person to come in the 16 hours is a plus for the City.

NEW BUSINESS

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TAB 2 – PSA – Boyle Engineering for Temporary Professional Services for Engineering Plan Check Services

Motion by Council Member Robertson, second by Council Member Scott and carried by unanimous vote to amend the Professional Services Agreement between the city of Rialto and Boyle Engineering for Temporary Professional Services for Engineering Plan Check Services for fiscal year 2004/05 to include in-house engineering staff support in an amount not to exceed \$150,000.

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TAB 3 – Purchase Replacement Laptops and Desktops

June Overholt, Chief Financial Officer stated that staff is recommending that City Council approve the purchase of replacement computer equipment. The City had an analysis done of the Information Technology Systems in 2000/2001. The Consultant had made several recommendations which have been implemented over the last four years. One of the recommendations was to begin replacing the workstations, which they have done and they are now restarting the cycle. Three years have passed and approximately all of the workstations have been replaced and now need to replace some additional workstations. The City standard is Dell Computers, which the City has been using a CMAS (California Multiple Award Schedule) contract through the State to purchase the equipment at the best price available. This cycle will start replacing monitors to the flat panel standard which will help with space efficiency, improved work space and ergonomic benefits. Those in the City that have already moved to that standard have noticed a difference in their ability to get work done in their work space. Funds have been budgeted in the ITS budget for this purchase.

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Council Member Robertson asked how many workstations are they looking to replace in this cycle.

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June Overholt, Chief Financial Officer stated that are looking at 38 workstations.

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Council Member Hanson asked what is done with the surplus computers.

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June Overholt, Chief Financial Officer stated that the surplus is sold at auction in compliance of the Purchasing Ordinance. Those monies from the sale go into the General Fund or back into the ITS fund, whichever funds allocated the original costs.

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NEW BUSINESS

TAB 3 – Purchase Replacement Laptops and Desktops

Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous vote to approve to purchase replacement laptop and desktop computers [citywide] in an amount not to exceed \$65,000.

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UNFINISHED BUSINESS

TAB 4 – Second Reading of Ordinance No. 1364 – pertaining to Shopping Carts

Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1364

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, TO AMEND CHAPTER 9.98 OF TITLE 9 OF THE RIALTO MUNICIPAL CODE PERTAINING TO SHOPPING CARTS

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Motion by Council Member Hanson, second by Council Member Robertson and carried by unanimous vote to adopt **Ordinance No. 1364** to amend Chapter 9.98 of the Rialto Municipal Code pertaining to shopping carts. The vote was: AYES: Mayor Vargas, Council Members: Robertson, Hanson, Scott and Sampson. NOES: none. ABSTAIN: none. ABSENT: none.

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UNFINISHED BUSINESS

TAB 7 – Second Reading of Ordinance No. 1365 – establishing a Day Laborer Center

Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1365

AN ORDINANCE OF THE CITY OF RIALTO, STATE OF CALIFORNIA, AMENDING CHAPTER 11.16 OF TITLE 11 OF THE RIALTO MUNICIPAL CODE BY PROVIDING FOR THE ESTABLISHMENT OF A DAY LABORER CENTER AND PROHIBITING THE SOLICITATION OF EMPLOYMENT WITHIN ANY COMMERCIAL PARKING AREA OTHER THAN AT THE DAY LABORER CENTER DURING ITS HOURS OF OPERATION.

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Motion by Council Member Hanson, second by Council Member Robertson and carried by unanimous vote to adopt **Ordinance No. 1365** amending chapter 11.16 of the Rialto Municipal Code to prohibit loitering in commercial parking lots and establishment of a Day Laborer Center. The vote was: AYES: Mayor Vargas, Council Members: Robertson, Hanson and Sampson. NOES: Council Member Scott ABSTAIN: none. ABSENT: none.

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Mike Story, Development Services Director stated that a question had arisen after the action of the City Council at the last City Council Meeting regarding the MOU and some of the liability insurance issues. There was a section that dealt with waiving the liability between, Home Depot, the City and Sunrise Life Development.

UNFINISHED BUSINESS

TAB 7 – Proposed Ordinance No. 1365 – establishing a Day Laborer Center

Mike Story, Development Services Director stated that they have been in touch with Sunrise Life Development to question regarding their liability insurance and what their non-profit has regarding this. They received a letter from Dan Grinder stating that they will be adding the City of Rialto and Home Depot as a writer on the liability insurance of Sunrise Life Development. This wasn't required as part of the MOU but they think it is important enough to put in there and they will be working with the Finance Department regarding the funding so they can get it up and running as soon as possible.

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Council Member Sampson stated that he recalls there was question regarding fund disbursement.

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Mike Story, Development Services Director stated that the funding they have was identified as \$30,000 as an initial start up cost and then \$10,000 on an annual basis for operating costs. The \$30,000 would be provided to Sunrise Life Development and they would provide to the City verification of what they are purchasing; the trailer, fencing, the portable toilets, and other equipment. Also included in the MOU this is identified only as a temporary solution in this locations as a start up. The goal of Home Depot, the City and Sunrise Life Development is to find a permanent location other than the Home Depot Center.

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Council Member Scott stated that he would like to state the reason for his No vote. He has spent a great deal time with Mr. Story and Mr. Garcia and is satisfied that insurance requirements were met. His vote is simply reflective of a huge amount of people in the community who have called him or have come to him objecting to the City putting City funds into a labor facility they feel should be the responsibility of Home Depot.

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Mayor Vargas asked in regards to security, who will be footing that bill.

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Mike Story, Development Services Director stated that Home Depot presently has security operation, one during the day and two during the evening that they pay for the patrol of not only Home Depot but the parking lot of the whole shopping center. The Day Laborer Center will be operated during the day, from 5:30am-12:00 p.m.

UNFINISHED BUSINESS

TAB 7 – Proposed Ordinance No. 1365 – establishing a Day Laborer Center

Mike Story, Development Services Director stated that when the Day Laborer Center is open or closed, the key thing is who they can cite or what they can do regarding people that loiter are soliciting for work. They feel with the Day Laborer Center as well as the additional Ordinance will give the tools to the Police Dept. and Code Enforcement to enforce that part and still Home Depot is paying for their own security guards. This is a combined effort by all will be able to deal with this particular issue.

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Mayor Vargas asked if they knew how long this project will be at the Home Depot.

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Mike Story, Development Services Director stated that it is approved until November 2005. The goal is to find another location but to start it up and deal with the initial situation now was the best method all parties involved decided on.

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Council Member Sampson stated that he also received a few phone calls regarding this issue. Some aspects of what's happening with the people who are seeking jobs may not necessarily be a Rialto problem, but it will always be a Rialto problem because it's located in Rialto. He doesn't believe they have the latitude within which they can try and wait for some other level of government to take of the issue, but they have to do it themselves because it's within their jurisdiction. He knows that there are some people who disagree that they shouldn't be doing anything, but he doesn't think it's an issue they can allow to continue to exist.

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ORAL COMMUNICATIONS

Reverend Genaro Alvarez, 851 W. Granada St., expressed his concern of protests like in Orange County regarding day laborer rights.

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REPORTS

Council Member Robertson stated that they had a milestone last Friday in opening the Rialto Boys and Girls Club/Police Activities League. Over 1000 children participated.

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Mayor Vargas reminded everyone to attend the City's Christmas Parade on Saturday.

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ORAL COMMUNICATIONS

Margot Wright, 850 N. Sage Ave., congratulated all those who were elected and wish them the best and if they do well the next four years she promises she will not come down and yell at them.

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REPORTS

Mayor Vargas stated that she would like to adjourn the meeting in memory of her cousin Carmen Argonmeniz who passed away earlier this week.

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City Administrator Report

City Administrator Garcia expressed his appreciation and thanks to the camera crew.

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ADJOURNMENT

Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to adjourn the meeting in memory of:

Carmen Argonmeniz

The City Council adjourned at 7:55 p.m.

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MAYOR GRACE VARGAS

ATTEST:

CITY CLERK BARBARA A. McGEE, CMC